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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,148	06/20/2003	Jeremy Donaldson	100110191-6	7231

7590 09/13/2005

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EXAMINER

ALANKO, ANITA KAREN

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/601,148	DONALDSON ET AL.
	Examiner Anita K. Alanko	Art Unit 1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 6/20/05 amdt.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
 - 4a) Of the above claim(s) 8,12,20 and 29 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7,9-11,13-19 and 21-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on 6/20/05 is acknowledged. The traversal is on the ground(s) of equity and fairness. This is not found persuasive because the inventions are assigned to different technology centers and classified in different classes. The search for the method is not required for the product, and vice versa.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al (US 5,006,202) in view of Milligan et al (US 6,273,557).

Hawkins discloses a method formed by the method comprising:
forming a first pattern masking layer 34 sufficient to expose a desired area of a first surface 12A of a substrate 10 (SiO₂, Fig.3, col.5, lines 25-29);
after forming the first patterned masking layer, forming a second patterned masking layer 14 (Fig.6, col.6, lines 43-46) sufficient to expose less than the entirety of the desired area of the first surface (col.6, lines 37-42, 29C smaller than 29A);

forming a slot portion in the substrate through the second patterned masking layer (Fig. 7); and

removing additional substrate material to form a fluid-handling slot (Fig.9).

As to amended claim 1, Hawkins disclose to form fluid-handling passageways and ejection chambers 23, 28 over a first surface of the substrate (Fig.16). Hawkins fails to disclose the order cited, that of masking, forming and removing subsequent to forming the passageways and ejection chambers. However, since the same final product is formed, it is obvious to vary the order of the steps since there is no criticality given to the order. In general, the transposition of process steps or the splitting of one step into two, where the processes are substantially identical or equivalent in terms of function, manner and result, was held to be not patentably distinguish the processes. *Ex parte Rubin* 128 USPQ 440 (PTO BdPatApp 1959).

Milligan teaches to form passageways and firing chambers before masking and etching to form slots in a substrate (Fig.4A-6C). Therefore, it is still further obvious to vary the steps as cited because Milligan teaches that this is a useful technique for forming printheads.

As to claim 2, Hawkins discloses a hard mask (thermal oxide, SiO₂).

As to claim 3, Hawkins discloses forming a photoresist layer 30 (Fig.5, col.6, lines 26-29).

As to claim 4, Hawkins discloses etching the slot portion (col.6, lines 48-51).

As to claim 5, Hawkins discloses a through region positioned between two shallow regions (shelf 39, Fig.10).

As to claim 6, Hawkins discloses wet etching (col.6, lines 59-64).

As to claim 7, Hawkins discloses removing a portion of the second patterned masking layer (col.6, lines 56-57).

As to claim 9, Hawkins discloses a fluid-feed slot forming method comprising:
patterning a hard mask 34 on a substrate surface sufficient to expose a first area 12A of the first surface;

forming a slot portion (Fig.7) in the substrate through less than an entirety of the first area of the first surface, the slot portion having a cross-sectional area at the first surface that is less than a cross-sectional area of the first area (since 29C is less than 29A); and,

after forming the slot portion, etching the substrate to remove material from within the first area to form a fluid-handling slot (Fig.9).

As to claim 10, Hawkins discloses to form a subset since the etched area is smaller than the original exposed area.

As to claim 11, Hawkins discloses covering the entire first substrate surface with the hard mask (Fig.1) and subsequently removing hard mask material from the first area of the surface (Fig.3).

Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al (US 6,303,042) in view of Milligan et al (US 6,273,557).

Hawkins discloses a print head substrate forming method comprising:
exposing a first portion 520a of a substrate surface through a hard mask 520 (Fig.5a);
forming a photoresist 522 over the hard mask and the first portion;

removing at least some of the photoresist to expose a second portion of the substrate surface thorough which a slot portion is to be formed (Fig.5a);

dry etching the substrate through the photoresist sufficient to form the slot portion (Fig.5b, col.10, line 54); and,

after said dry etching, wet etching the substrate to form a fluid-handling slot (Fig.5c, col.10, line 60) without a re-entrant profile.

As to amended claim 13, Hawkins is directed to forming a nozzle plate. Nozzle plates are conventionally used in combination with fluid passageways and ejection chambers in order to form the final printhead product. It would have been obvious to one with ordinary skill in the art to vary the order of the steps since there is no criticality given to the order and thereby form the same final product, by forming the nozzle plate after the ejection chamber and passageways. In general, the transposition of process steps or the splitting of one step into two, where the processes are substantially identical or equivalent in terms of function, manner and result, was held to be not patentably distinguish the processes. *Ex parte Rubin* 128 USPQ 440 (PTO BdPatApp 1959).

Milligan teaches to form passageways and firing chambers before masking and etching to form slots in a substrate (Fig.4A-6C). Therefore, it is still further obvious to vary the steps as cited because Milligan teaches that this is a useful technique for forming printheads.

As to claim 14, Hawkins does not explicitly disclose to apply the hard mask over the entire substrate surface and removing hard mask from over the first portion. Hawkins merely discloses that a patterned layer is formed. Examiner takes official notice that deposition and removing is a conventional way to form masks. It would have been obvious to one with

ordinary skill in the art to apply and remove the hard mask as cited in claim 14 because it is a conventional and useful technique for forming masks.

Claims 21-22 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milligan et al (US 6,273,557).

Milligan discloses a printhead forming method comprising:
forming a fluid-handling slot in a substrate wherein a first portion of the sidewall is parallel (bottom surface of 502) to a first surface of the substrate, and a second portion of the sidewall is perpendicular to the first surface (sidewalls of 602, Fig.6C).

As to amended claim 21, Figure 7A shows slots generally parallel to the thin-film surface (the plane coming in and out of the page) and portions of sidewalls at an obtuse angle (the slanted sidewall of Fig.7A).

As to claim 22, Milligan discloses to form a slot portion 02 into a first surface 404 of a substrate (Fig.5B, col.5, lines 26-31); and,

etching the substrate to remove substrate material 602 proximate the slot portion to form a fluid-handling slot (Fig.6C, col.5, lines 37-47).

As to claim 27, Milligan does not disclose to use lift-off. Examiner takes official notice that lift-off is a conventional technique for forming patterned layers. It would have been obvious to one with ordinary skill in the art to use lift-off to pattern hard mask in the method of Milligan because it is a conventional and useful technique for forming masks.

As to claim 28, Milligan does not disclose to use wet etching, rather Milligan discloses to use dry etching. It is conventional to etch by either wet or dry etching. It would have been

obvious to one with ordinary skill in the art to use wet etching in the method of Milligan because it is a conventional technique for forming slots and because it is cheaper than dry etching.

Claims 21-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (US 2003/0141279 A1).

Miller discloses a printhead forming method and a print cartridge incorporating a print head die formed by the method comprising:

forming a fluid-handling slot in a substrate wherein a first portion of the sidewall is parallel (bottom surface of slot) to a first surface of the substrate, and a second portion of the sidewall is perpendicular to the first surface (sidewalls of slot, Fig.9d or 9f).

As to amended claim 21, Figures 9g and 9h show slots generally parallel to the thin-film surface (the plane coming in and out of the page) and portions of sidewalls at an obtuse angle (the curved part of the sidewall).

As to claims 23-26, Miller discloses sand drilling as mechanical cutting and multiple dry etching steps (paragraphs [0059], [0057]), and patterning a hard mask [0056].

Response to Arguments

Applicant's arguments filed 6/20/05 have been fully considered but they are not persuasive. Applicant argues about the new limitations added to the claims. However, they are obvious. Varying the order of the steps is obvious since the same final product results. In addition, Milligan teaches that the recited order is a known technique for forming printheads. The parallel axis and obtuse angles are also taught by Milligan and Miller, see rejection above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K. Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Monday-Thursday until 2:30 pm (Wednesday until 11:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita K. Alanko

Anita K Alanko
Primary Examiner
Art Unit 1765